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In re Application of	:	
TORRES et al.	:	
Application No.: 09/744,790	:	DECISION
PCT No.: PCT/US99/17369	:	
Int. Filing Date: 30 July 1999	:	
Priority Date: 30 July 1998	:	
Attorney Docket No.: 042159/0117	:	
For: METHOD AND APPARATUS ...	:	
COMMUNICATIONS SYSTEM	:	

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181(a)" filed 23 April 2001.

BACKGROUND

On 30 July 1999, applicants filed international application PCT/US99/17369, which claimed a priority date of 30 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 January 2001.

On 30 January 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, an authorization to charge the U.S. basic national fee to Deposit Account No. 50-0872.

On 27 March 2001, the USPTO mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America because the Deposit Account was not found.

On 23 April 2001, applicants submitted the instant "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181(a)".

DISCUSSION

The petition filed 23 April 2001 requests that the NOTIFICATION OF ABANDONMENT mailed 27 March 2001 be withdrawn because a Deposit Account having Deposit Account Number 50-0872 is maintained and had sufficient funds at all times during the months of January, February and March. Applicants have provided a Deposit Account Statement from the USPTO for Deposit Account Number 50-0872 for the months of January, February and March. These statements show that this Deposit Account did include sufficient funds. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 27 March 2001 is hereby vacated. However, this Deposit Account does not list Ronald Coslick, the attorney signing the Transmittal Letter containing the Deposit Account authorization, as an authorized user. Nor is the firm itself listed as an authorized user. Thus, the application is abandoned as to the United States of America for failure to pay the basic national fee by thirty months. An authorized user of the Deposit Account was not listed in the Transmittal Letter filed 30 January 2001.

CONCLUSION

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 27 March 2001 is hereby VACATED.

For the reasons set forth above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.


Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required.

Alternatively, applicants may wish to consider filing a petition under 37 CFR 1.137 to revive the application.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for preparation and mailing of a new NOTIFICATION OF

ABANDONMENT (Form PCT/DO/EO/909) indicating that the U.S. basic national fee has not been paid and that the user of the deposit account is not listed as an authorized user.



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